



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7994-99

24 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 24 January 1956 at age 20. The record shows that during the period 4 June 1956 to 4 June 1957 you received nonjudicial punishment on four occasions. On 1 July 1957 you were arrested by civil authorities and were ultimately convicted of reckless driving, driving without an operator's license, hit and run, and possession of a stolen automobile. You were sentenced to a fine of \$264 and 30 days in jail or 240 days of confinement. You elected to serve the confinement. Subsequently, you were convicted of grand larceny but were placed on probation. On 21 September 1957 you received nonjudicial punishment for the 82-day period of unauthorized absence during which you were held by civil authorities.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. An administrative discharge board met on 30 September 1957 and approved the recommendation of your commanding officer that you be discharged for misconduct with an undesirable discharge. You were so discharged on 23 October 1957.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for a better discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and especially your conviction by civil authorities of serious offenses. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director